



# CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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David B. Cohen  
Mayor

Public Hearing Date: September 22, 2009  
Land Use Action Date: November 17, 2009  
Board of Aldermen Action Date: December 7, 2009  
90-Day Expiration: December 21, 2009

DATE: September 18, 2009

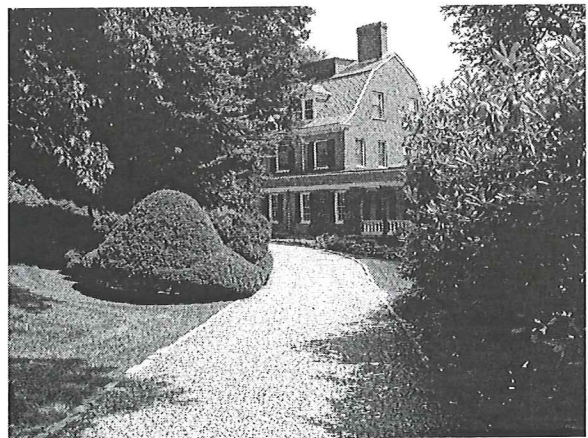
TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development  
Candace Havens, Chief Planner  
Alexandra Ananth, Sr. Planner

SUBJECT: #183-09 MONTE J. & ANNE H. WALLACE TRUSTEES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a private garage of more than 700 square feet to be attached to an existing single-family dwelling at 256 CHESTNUT HILL ROAD, Ward 7, Chestnut Hill, on land known as Sec 63, Blk 32, Lot 3, containing approx 126,120 sf of land in a district zoned SINGLE RESIDENCE 1.

CC: Mayor David B. Cohen

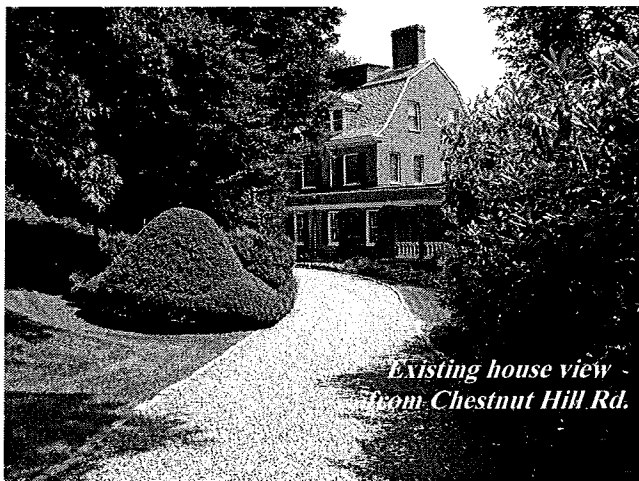
The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.



### **EXECUTIVE SUMMARY**

The subject property is a large lot located at 256 Chestnut Hill Road, a private road within the Chestnut Hill Historic District. The 125,448 sq. ft. lot is improved with a four-story single-family residence. The property is listed on the National Register and was a home of the Saltonstall family. The petitioner is proposing to construct a one-story, 1,300 sq. ft. garage on the east side of the existing single-family dwelling. Garages over 700 sq. ft. in area are allowed by special permit only.

Chestnut Hill Road is a private way, but is part of the Chestnut Hill Historic District and, as such, the Chestnut Hill Historic District Commission has advisory review on changes visible from Chestnut Hill Road; however, their jurisdiction is limited due to the lack of visibility from a public way. Although the Commission issued a certificate of appropriateness for the application as submitted, the Commission expressed concern over the width of the attached three-car garage and its appropriateness to the historic character of the property. During the development review process the Planning Department also expressed concern with the size of the garage and urged the petitioner to consider a smaller garage or to detach the structure and angle it perpendicular to the house. Nevertheless the petitioner is moving forward with the design as originally proposed.



#### **I. SIGNIFICANT ISSUES FOR CONSIDERATION**

In reviewing this petition the Board should consider whether the proposed garage in excess of 700 sq. ft. will have any adverse impacts on immediate abutters or the character of the surrounding neighborhood.

#### **II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD**

##### **A. Neighborhood and Zoning**

The subject property is located in the Chestnut Hill Historic District in a rather large Single Residence 1 District. The house is abutted to the north by the Chestnut Hill School and single-family residences, and to the south by the MBTA Green Line. The

surrounding neighborhood is mostly comprised of single-family dwellings, most of which were constructed between 1850 and the 1920s. Most of the lots in the immediate neighborhood are well over an acre in size and the properties are listed on the National Register.

B. Site

The subject property is 125,448 sq. ft. in area and is improved with a four-story brick and slate roof Georgian/Colonial-style residence circa 1880. The property was the childhood home of Governor and Senator Leverett A. Saltonstall (also a Newton Alderman). The site slopes down from Chestnut Hill Road and contains three outbuildings at the rear of the property. The house is accessed via a long gravel drive and sits approximately 20 feet below Chestnut Hill Road. Presently, the property has no garage and cars now park in a large gravel area to the east of the residence, which is surrounded by a brick retaining wall and mature landscape screening. Significant vegetation obscures much of the property from view from Chestnut Hill Road.

III. PROJECT REVIEW

- A. Land Use. No changes in use of this single-family residence are proposed.
- B. Site Circulation. The proposed three-bay garage addition should have no impact on the safety of vehicular and pedestrian movement. There is sufficient room to turn around in the driveway so that vehicles should not have to back out onto the street. The location of the driveway is not changing in any way.
- C. Screening of Parking Areas and Structures. Existing screening on the slope in front of the proposed garage is sufficient to create a visual buffer between the new addition and the street, and includes large yews and beech trees among the plantings. Some hemlock trees behind the retaining wall would be removed in order to construct the new garage; however, there is sufficient screening on site. The petitioner was not required to submit a landscape plan.
- D. Grading. The petitioner does not propose to re-grade the site.
- E. Design. The proposed addition would be located on the east side of the house, on an existing gravel/stone surface. A portion of a brick retaining wall and a small portion of the residence will be removed to add the structure. The proposed height of the garage is 12.5 ft. from the front and 22.5 ft. from the rear, due to the existing slope of the land; however, the garage will be a one-story structure and the basement foundation is not being used as floor area. The proposed addition will be brick to match the existing residence with cornice and banding details to match, as well.

The Planning Department raised concerns regarding the size of the garage in the development review process. The Planning Department notes that a detached structure oriented perpendicular to the residence might have less visibility from Chestnut Hill Road and allows for the house to remain minimally disturbed. Nevertheless, the Planning Department recognizes the size of the garage is in keeping with the size of the residence and agrees that the structure will be minimally visible from the street or abutting properties.

- F. Chestnut Hill Historic District Commission Review. The addition was reviewed and approved by the Chestnut Hill Historic District Commission. At its May 21, 2009 meeting the Commission expressed concerns over the width of the attached three-car garage and its appropriateness to the historic character of the property. The Commission also asked that the Land Use Committee require a preservation restriction on the property, or the owner's assent to have the Commission review further changes in a formal capacity (*SEE ATTACHMENT "A"*).

#### IV. TECHNICAL REVIEW

##### A. Dimensional Controls

The following table sets forth the applicable dimensional controls for residences located in the SR-1 zone:

SR1 (Old Lot)	Required	Existing	Proposed
Lot Area	15,000 sq. ft.	125,448 sq. ft.	125,448 sq. ft.
Frontage	100 ft.	244 ft.	244 ft.
Setbacks			
Front	25 ft.	86.3 ft.	86.3 ft.
Side	12.5 ft.	51.4 ft.	16.4 ft.
Rear	25 ft.	2 ft.	2 ft.
Total Floor Area Ratio	.25	.17	.18
Building Height	30 ft.	>40 ft.	>40 ft.
Max. Number of Stories	2.5	4	4
Max. building lot coverage	20%	6.3%	7.2%
Min. amount of open space	65%	85.4%	84.6%
Garage	< 700 sq. ft.	NA	1,300 sq. ft.

The proposed garage exceeds the 700 sq. ft. limit, but conforms to all other dimensional controls. The single-family dwelling is legally nonconforming with respect to building height and number of stories, but conforms to all other dimensional controls and parking requirements established for a single-family residence in a Single Residence 1 District. Existing outbuildings at the rear of the site are legally nonconforming with respect to rear and side setbacks.

- B. Engineering Review. The Associate City Engineer noted that a drainage report needs to be performed and that a Stormwater Operations and Maintenance Plan needs to be drafted to the satisfaction of the Engineering Division and incorporated into the deed and recorded at the Registry. Should the Board choose to approve this petition, all comments noted in the Engineering Division's Memorandum dated 6/1/09 must be addressed prior to the issuance of a building permit (*SEE ATTACHMENT "B"*).

V. ZONING RELIEF SOUGHT

Based on the completed zoning review, dated June 25, 2009 (*SEE ATTACHMENT "C"*), the petitioner is seeking approval through or relief from:

- Section 30-8(b)(7), which permits the Board to allow for a garage of greater than 700 square feet;
- Section 30-23 for Site Plan approval; and
- Section 30-24(d) for approval of a Special Permit for the proposed garage

VI. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

*ATTACHMENT A: Memo to Land Use Committee from Sr. Preservation Planner,  
Brian Lever, dated May 26, 2009*

*ATTACHMENT B: Memorandum from Associate City Engineer dated September 1, 2009*

*ATTACHMENT C: Zoning Review Memorandum, dated June 25, 2009*

*ATTACHMENT D: Land Use Map*

*ATTACHMENT E: Zoning Map*

## ATTACHMENT A

**DATE:** May 26, 2009  
**TO:** Land Use Committee Members  
**FROM:** Brian Lever, Senior Preservation Planner  
**CC:** Candace Havens, Chief Planner  
**SUBJECT:** 256 Chestnut Hill Road Special Permit application.

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The Chestnut Hill Historic District Commission approved the application for an attached garage 256 Chestnut Hill Road on Thursday May 21 with reservations. The jurisdiction of the Commission was severely limited due to the lack of visibility from a public way. Please see the records of action below.

At a scheduled meeting and public hearing on May 21, 2009 the Chestnut Hill Historic District Commission, by vote of 5-0,

RESOLVED to issue a certificate of appropriateness for the application as submitted with the Commission expressing concern over the width of the attached 3-car garage and its appropriateness to the historic character of the property.

Voting in the Affirmative:

John Wyman, Chair	Lois McMullin, Member
William Roesner, Member	Merle Winer, Alternate
Peter Vieira, Alternate	

At a scheduled meeting and public hearing on May 21, 2009 the Chestnut Hill Historic District Commission, by vote of 4-0,

RESOLVED to request that the Land Use Committee make as a condition of granting a special permit for the attached garage either a preservation restriction or the property owner's assent to have the Commission review future changes in a formal capacity. The Commission notes that currently the property is located on a private way and that the Commission only has advisory review on changes visible from Chestnut Hill Road. Section 22-42 of the Newton City ordinances provides property owners on private ways with the opportunity to permanently place their properties subject to Commission jurisdiction as other properties are in the local historic district. The Commission makes this request due to the historic and architectural significance of the property as a National Register listed property and home of the Saltonstall Family.

Voting in the Affirmative:

John Wyman, Chair	Lois McMullin, Member
William Roesner, Member	Peter Vieira, Alternate

**CITY OF NEWTON  
ENGINEERING DIVISION**

**MEMORANDUM**

To: Alderman George Mansfield, Land Use Committee Chairman

From: John Daghlion, Associate City Engineer

Re: Special Permit – 256 Chestnut Hill Road

Date: September 1, 2009

CC: Lou Taverna, PE City Engineer (via email)  
Candice Havens, Chief Planner (via email)  
Linda Finucane, Associate City Clerk (via email)  
Eve Tapper, Chief Zoning Officer, (via email)  
Alexandra Ananth, Planner (via email)

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In reference to the above site, I have the following comments for a plan entitled:

*Wallace Residence  
256 Chestnut Hill Road  
Newton, MA  
Prepared by: Kelly Engineering Group, Inc.  
Dated: 6-1-'09  
Stamped: 6-26-'09*

Drainage:

1. A drainage analysis needs to be performed based on the City of Newton's 100-year storm event of 6-inches over a 24-hour period. All runoff from impervious areas need to be infiltrated on site.
2. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and adopted by applicant, incorporated into the deed; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
3. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the homeowner.
4. An approved type of siltation control is needed along with details.

General:

1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the drainage system will be made available for an inspection. The system shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
4. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
5. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
6. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

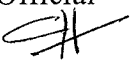
If you have any questions or concerns please feel free to contact me @ 617-796-1023.



## Zoning Review Memorandum

Dt: June 25, 2009

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official  
Candace Havens, Chief Planner 

Cc: Michael Kruse, Director, Department of Planning and Development  
Robert S. Farrington, Jr., attorney for the applicant  
Ouida Young, Associate City Solicitor

RE: Request to allow a 1,300 square foot garage.

### Applicant: Monte J. and Anne H. Wallace, Trustees

**Site:** 256 Chestnut Hill Road

**SBL:** Section 63, Block 32, Lot 3

**Zoning:** SR-1

**Lot Area:** 125,448 square feet (figure provided by applicant, Assessor's database slightly higher)

**Current use:** Single-family residence

**Proposed use:** Single-family residence

### Background:

The subject property consists of a 125,448 square foot lot currently improved with a single-family residence. The applicants are proposing to add a three-car garage onto the west side of the house.

### Administrative determinations:

1. The property is in the SR-1 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot. Given the age of the house, the property meets all of these requirements or is legally nonconforming. In addition, the only change to these dimensions is the side setback on the west side of existing main house where the proposed garage will be constructed. The existing side yard setback is 51.4 feet; the proposed side yard setback will be 16.4 feet. This new setback is allowed since the minimum required for the subject property is 12.5 feet.
2. The applicants are proposing to construct a 1300 square foot garage that will be attached to the west side of the existing main house. Section 30-8(b)(7) allows a private garage of more than 700 square feet in area with a special permit from the Board of Aldermen.
3. See "Zoning Relief Summary" below:

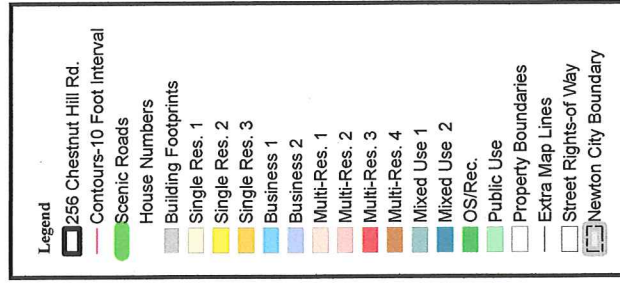
<i>Zoning Relief Summary</i>		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§30-8(b)(7)	Allow a garage of greater than 700 square feet	SP per §30-24

### Plans and materials reviewed:

- "Wallace Residence, 256 Chestnut Hill Road, Newton, Massachusetts, Existing Conditions Plan," drawn by Kelly Engineering Group Inc., dated 5/29/09, neither stamped nor signed by a licensed professional
- Wallace Residence, 256 Chestnut Hill Road, Newton, Massachusetts, Building Permit Plan," drawn by Kelly Engineering Group Inc., dated 5/29/09, neither stamped nor signed by a licensed professional

# Zoning Map

## 256 Chestnut Hill Road

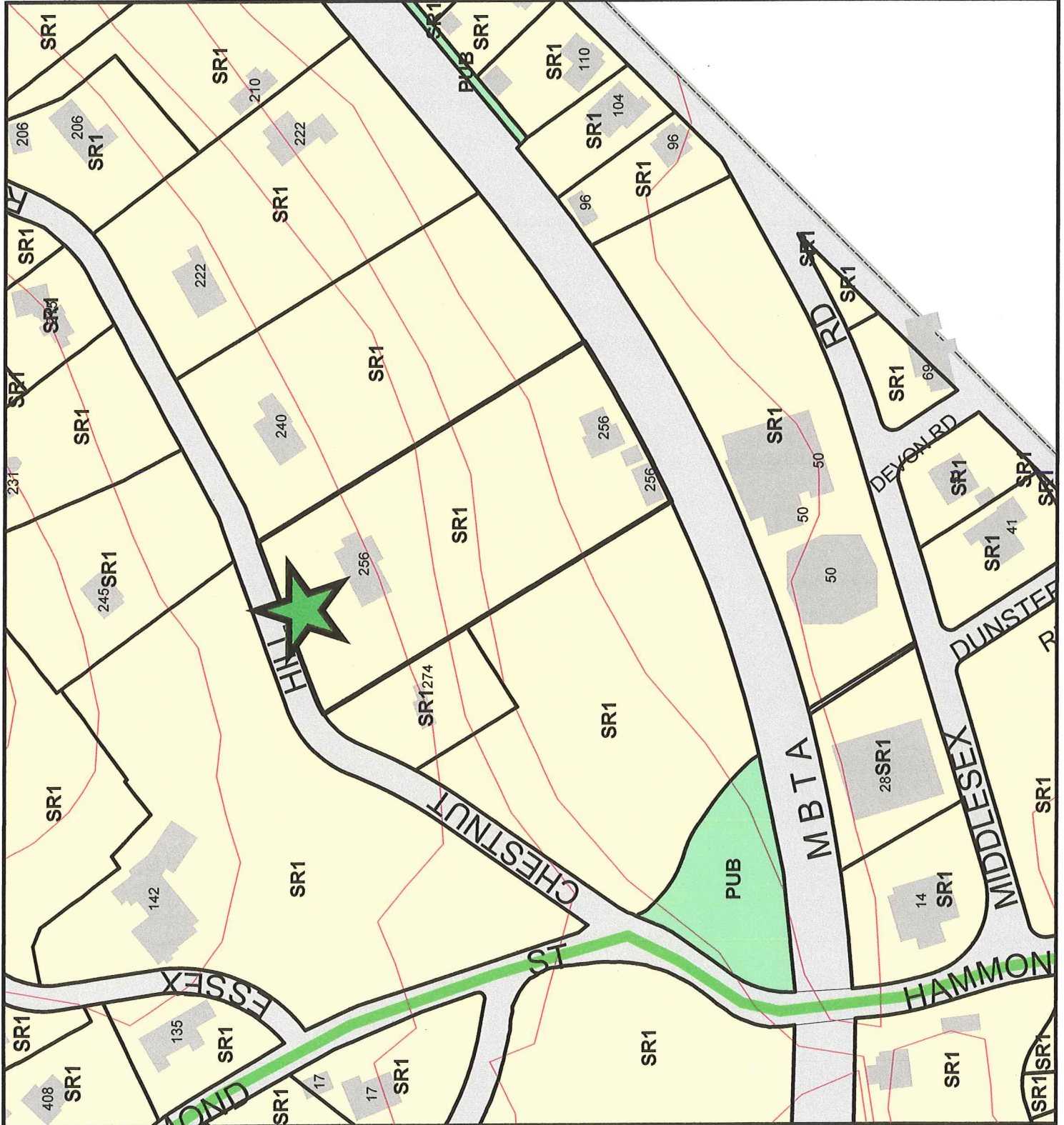


## ATTACHMENT D

The information on this map is for informational purposes only. It is not intended to be used for any legal or regulatory purpose. City departments are not responsible for approving applications based on this information. Each user of this information is responsible for determining its suitability for their own use.



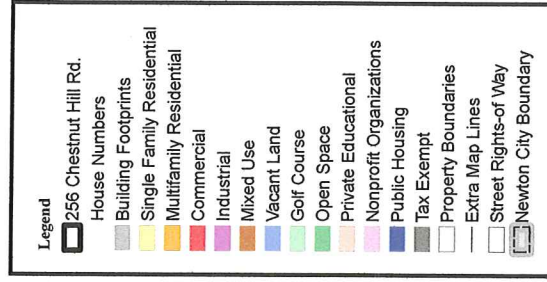
MAP DATE: Septem





# Land Use Map

256 Chestnut Hill Road



## ATTACHMENT E

The information on this map is for informational purposes only. It is not intended to be used for any legal or financial purpose. City departments approve applications based on the information provided.



MAP DATE: Septeml

